

PATENT

Attorney Dkt: 2540-550

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation of Reissue Application of:)
Perholtz, Ronald J. et al. (U.S. No. 5,732,212)) Group Art Unit: Unassigned
Issued March 24, 1998)
Serial No.: 10/032,325) Examiner: Unassigned
Filed: December 31, 2001)
For: SYSTEM AND METHOD FOR REMOTE MONITORING
AND OPERATION OF PERSONAL COMPUTERS

ASSENT OF ASSIGNEE

Honorable Commissioner of Patents and Trademarks
BOX PATENT APPLICATION
Washington, DC 20231

Sir:

In accordance with 37 CFR § 1.172, Cybex Computer Products Corporation, of Huntsville, Alabama USA, the sole assignee of the captioned patent, hereby assents to the filing of the continuation patent application (application number 10/032,325) in the United States Patent Office claiming priority from reissue application no. 09/228,747 (filed January 12, 1999) of the captioned patent.

Cybex Computer Products Corporation submits that it has ownership of the captioned patent for which reissue is sought, and in accordance with 37 CFR § 3.73 provides herewith documentary evidence of a chain of title from the original owner to the assignee. In this regard, the assignee attaches thereto true and accurate copies of the following:

PERHOLTZ, R., et al.
App Serial No.: 10/032,325

- (1) Assignment dated January 12, 1994 from RONALD J. PERHOLTZ and ERIC J. ELMQUEST to Fox Network Systems, Inc., recorded in the US Patent Office on January 13, 1994 at reel 6851 frame 0749.
- (2) Assignment from Fox Network Systems, Inc. to Cybex Computer Products Corporation, dated November 20, 1998, submitted for recordation to the United States Patent Office on December 15, 1998.

The undersigned has reviewed these attached documents and in accordance therewith, as well as on information and belief, believes title to the captioned patent to be vested in Cybex Computer Products Corporation and that Cybex Computer Products Corporation has the right to seek reissue.

Cybex Computer Products Corporation further requests that any reissue patent upon such application be granted to Cybex Computer Products Corporation in accordance with 37 CFR § 1.172(b).

Cybex Computer Products Corporation

By: 

Date: _____

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

In re Patent Application of

PERHOLTZ et al.

Atty. Ref.: 2540-550

Serial No. 10/032,325

Group: 2152

Filed: December 31, 2001

Examiner: M. Geckil

For: SYSTEM AND METHOD FOR REMOTE MONITORING
AND OPERATION OF PERSONAL COMPUTERS

* * * * *

October 15, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

LETTER / RESPONSE

Responsive to the telephonic conversation with Examiner Joseph Narcavage, attached is a copy of the "Assent of Assignee" for the above-identified application.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


J. Scott Davidson
Reg. No. 33,489

JSD:twg
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



540-581-1 08/180824 A/D

Docket No. 0462-3

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Ronald J. Perholitz and Eric J. Ellerquist

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies):

Name: Fox Network Systems, Inc.

Street Address: 1620 Chester Mill Road

City: Silver Spring State: Maryland

ZIP: 20906

Additional name(s) & address(es) attached? Yes No

3. Name of Conveyance: 19

Assignment

Merger

Security Agreement

Change of Name

Other

Execution Date: January 12, 1994

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:
Title: SYSTEM AND METHOD FOR ACCESSING AND OPERATING PERSONAL COMPUTERS REMOTELY

A: Patent Application No.(s)

B: Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Evan R. Smith, SIXBEY, FRIEDMAN, LEEDOM & FERGUSON, P.C.

Street Address: 2010 Corporate Ridge, Suite 600

City: McLean State: Virginia

ZIP: 22102

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit Account Number:

(Attach duplicate copy of this page if paying by deposit account)

090 BA 02/03/94 08180824

DO NOT USE THIS SPACE \$0.00 CK

93419675

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald R. Studebaker

Name of Person Signing

Total number of pages comprising cover sheet, attachments and document: 3

Signature

1/13/94

Date

RECEIVED
1/13/94
U.S. PATENT AND TRADEMARK OFFICE

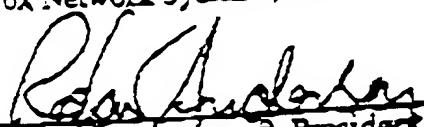
Industrial Models, and any other informational agreements to which the United States of America adheres, and hereby authorizes and requests the Commissioner of Patents and Trademarks to record the assignment of the '212 patent to ASSIGNEE, for its interest as ASSIGNEE, for the sole use and behalf of ASSIGNEE, its successors, assigns, and legal representatives.

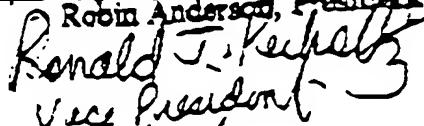
And, ASSIGNOR hereby agrees to transfer a like interest upon request of said ASSIGNEE, its successors, assigns, and legal representatives, and without further remuneration, in any patent obtained through a re-issue proceeding, an application for re-examination, or a patent interference proceeding growing out of or related to the '212 patent; and to execute any papers ASSIGNEE, its successors, assigns, and legal representatives, deem essential to ASSIGNEE's full protection and title in and to the invention hereby transferred (including any potential re-issue, re-examination, or patent interference based on the '212 patent), and for maintaining any resulting patent concerning said invention.

Executed this 20 day of November, 1998.

Fox Network Systems, Inc.

By:


Robin Anderson


Ronald J. Kepelby
Vice President

Witnessed by:

Name:  Date: 11/20/98

Name: _____ Date: _____

ASSIGNMENT

WHEREAS, Fox Network Systems, Inc., (hereinafter ASSIGNOR), is a corporation duly organized and existing under the laws of the state of Maryland and doing business at 15200 Scandy Grove Road, Suite 350, Rockville, Maryland 20850, and having been assigned all right, title and interest in a certain invention entitled "System and Method For Remote Monitoring And Operation of Personal Computers" for which United States Patent No. 5,732,212, (hereinafter "the '212 patent") issued on March 24, 1998.

WHEREAS, ASSIGNOR hereby warrants and certifies that ASSIGNOR has the full right to convey all rights, as herein expressed, to the '212 patent and the invention embodied therein.

AND WHEREAS, Cybex Computer Products Corp., (hereinafter ASSIGNEE), is a corporation duly organized and existing under the laws of the State of Alabama and doing business at 4991 Corporate Drive, Huntsville, Alabama 35805-5906, is desirous of acquiring all interest therein.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration not herein recited, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR by these presents hereby sells, assigns, and transfers unto the said ASSIGNEE, its successors, assigns, and legal representatives, the full and exclusive right to the '212 patent, including the right to sue for past, present, and future damages and to prosecute any re-issue patent applications based on the '212 patent, or re-examination(s) thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and

- 2 -

successors and assigns, as and when requested by them, in obtaining and enforcing proper patent protection for said invention or inventions and improvements, in the United States and all countries foreign thereto.

Signed and sealed this 12th day of January, 1994.

Ronald J. Perholtz

Ronald J. Perholtz

Eric J. Elmquest

Eric J. Elmquest

State of)
)
) ss.
County of)

On this 12th day of January, 1994, appeared Ronald J. Perholtz and Eric J. Elmquest, personally known to me, and by me personally known to be the person(s) who executed the above instrument, who being duly sworn, acknowledged that they executed the above instrument as their free and voluntary act.

Shelby P. Woody

Notary

(SEAL)

JAN 13 94

My Commission expires 9/30/97

PATENT AND TRADEMARK
OFFICE

RELB 851 FRANE 751

18. 189324

- 1 -

ASSIGNMENT

For One Dollar and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we, Ronald J. Persholtz, 1620 chester Mill Road, Silver spring, MD 20906 and Eric J. Elmquist, 3820 N. 13th Street, Arlington, Virginia 22201; hereby sell and convey unto Fox Network Systems Inc., A Maryland corporation, having offices at 1620 Chester Mill Road, Silver spring, MD 20906, its successors and assigns, the entire right, title and interest in and to our invention in

SYSTEM AND METHOD FOR ACCESSING AND
OPERATING PERSONAL COMPUTERS REMOTELY

described and claimed in an application for United States Letters Patent executed by us on this date, it being the only application so entitled executed by us on this date, which is a continuation-in-part of U.S. Serial No. 07/966,081, filed October 23, 1992, and in and to all Letters Patent, of the United States and foreign countries, including any divisions, continuations, reissues and extensions thereof, that may be obtained therefor; and we hereby authorize and request the Commissioner of Patents to issue any and all Letters Patent that may be granted for said invention to said Fox Network Systems, Inc., its successors and assigns, and we agree that we will, without additional compensation, but without cost to us, promptly communicate to said Fox Network Systems, Inc., or its representatives any facts known to us respecting said invention whenever requested, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said assignee, its

MELB 851 1994.150

ASSIGNMENT

WHEREAS, Fox Network Systems, Inc. (hereinafter ASSIGNOR), is a corporation duly organized and existing under the laws of the state of Maryland and doing business at 15200 Scandy Grove Road, Suite 350, Rockville, Maryland 20850, and having been assigned all right, title and interest in a certain invention entitled "System and Method For Remote Monitoring And Operation of Personal Computers" for which United States Patent No. 5,732,212, (hereinafter "the '212 patent") issued on March 24, 1998.

WHEREAS, ASSIGNOR hereby warrants and certifies that ASSIGNOR has the full right to convey all rights, as herein expressed, to the '212 patent and the invention embodied therein;

AND WHEREAS, Cyber Computer Products Corp. (hereinafter ASSIGNEE), is a corporation duly organized and existing under the laws of the State of Alabama and doing business at 4991 Corporate Drive, Huntsville, Alabama 35805-5906, is desirous of acquiring all interest therein.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration not herein recited, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR by these presents hereby sells, assigns, and transfers unto the said ASSIGNEE, its successors, assigns, and legal representatives, the full and exclusive right to the '212 patent, including the right to sue for past, present, and future damages and to prosecute any re-issue patent applications based on the '212 patent, or re-examination(s) thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and

EXHIBIT 6

RE ISSUE SN 09/226,777
47(a) EDITION

Industrial Models, and any other international agreements to which the United States of America adheres, and hereby authorizes and requests the Commissioner of Patents and Trademarks to record the assignment of the '212 patent to ASSIGNEE, for its interest as ASSIGNEE, for the sole use and benefit of ASSIGNEE, its successors, assigns, and legal representatives.

And, ASSIGNOR hereby agrees to transfer a like interest upon request of said ASSIGNEE, its successors, assigns, and legal representatives, and without further remuneration, in any patent obtained through a re-issue proceeding, an application for re-examination, or a patent interference proceeding growing out of or related to the '212 patent, and to execute any papers ASSIGNEE, its successors, assigns, and legal representatives, deem essential to ASSIGNEE's full protection and title in and to the invention hereby transferred (including any potential re-issue, re-examination, or patent interference based on the '212 patent), and for maintaining any resulting patent concerning said invention.

Executed this 20 day of November, 1998.

Fox Network Systems, Inc.

By: Ross Anderson

Ross Anderson, President

Ronald J. Kepelby
Ronald J. Kepelby
Vice President

Witnessed by:

Name: Jeffrey B. Lewis

Date: 11/22/98

Name: _____

Date: _____

08. 189324

- 1 -

ASSIGNMENT

For One Dollar and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we, Ronald J. Persholtz, 1620 chester Mill Road, Silver spring, MD 20906 and Eric J. Elmquist, 3820 N. 13th Street, Arlington, Virginia 22201; hereby sell and convey unto Fox Network Systems Inc., A Maryland corporation, having offices at 1620 Chester Mill Road, Silver spring, MD 20906, its successors and assigns, the entire right, title and interest in and to our invention in

SYSTEM AND METHOD FOR ACCESSING AND
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described and claimed in an application for United States Letters Patent executed by us on this date, it being the only application so entitled executed by us on this date, which is a continuation-in-part of U.S. Serial No. 07/966,081, filed October 23, 1992, and in and to all Letters Patent, of the United States and foreign countries, including any divisions, continuations, reissues and extensions thereof, that may be obtained therefor; and we hereby authorize and request the Commissioner of Patents to issue any and all Letters Patent that may be granted for said invention to said Fox Network Systems, Inc., its successors and assigns, and we agree that we will, without additional compensation, but without cost to us, promptly communicate to said Fox Network Systems, Inc., or its representatives any facts known to us respecting said invention whenever requested, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said assignee, its

EXHIBIT 1
REISSUE SN 09/228,747
47(a) PETITION

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successors and assigns, as and when requested by them, in obtaining and enforcing proper patent protection for said invention or inventions and improvements, in the United States and all countries foreign thereto.

Signed and sealed this 12th day of January, 1994.

Ronald J. Perholitz
Ronald J. Perholitz

Eric Elmquest
Eric J. Elmquest

State of)
)
) ss.
County of)

On this 12th day of January, 1994, appeared Ronald J. Perholitz and Eric J. Elmquest, personally known to me, and by me personally known to be the person(s) who executed the above instrument, who being duly sworn, acknowledged that they executed the above instrument as their free and voluntary act.

Shelby P. Woody
Notary

(SEAL)

JAN 13 94

My Commission expires 9/30/97.

PATENT & TRADEMARK
OFFICE

REB 851 NAME 151